

AS

TARTER KRINSKY & DROGIN LLP

Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE DANNON COMPANY, LLC,

Plaintiff,

-against-

FEDERICO MUYSHONDT,

Defendant.

Case No. 18-CV-01567 (KMK)

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between undersigned counsel for the parties as follows:

1. Defendant Federico Muyshondt (“Defendant”) accepts and acknowledges service of the Summons and Complaint in this action, effective as of February 23, 2018.

2. The time within which Defendant may move, answer, or otherwise respond to the Complaint is hereby extended up to and including April 29, 2018.

3. Upon this Stipulation being ordered by the Court, Plaintiff The Dannon Company, LLC (“Dannon”) will file a motion for a preliminary injunction (the “Motion”) seeking an order: (a) prohibiting Defendant, and all those acting in concert with him from, whether directly or indirectly, using or disclosing Dannon’s trade secrets and confidential information as defined in

the Defend Trade Secrets Act and under New York common law; and (b) ordering Defendant to return immediately to Dannon's counsel all trade secrets and confidential information that he possesses or controls.

4. Pending determination of the Motion, Defendant agrees that he will not, whether directly or indirectly, use or disclose Dannon's trade secrets and confidential information, consistent with the Confidentiality Agreement and Agreement Relating to the Assignment of Inventions executed by Defendants, the Defend Trade Secrets Act and under New York common law.

5. No later than March 9, 2018, Defendant shall determine whether he is in possession of any documents and/or electronic media (such as computers, tablets, phones, external hard drives, USB devices, other storage devices and the like) which contain or potentially contain Dannon's trade secrets and confidential information, or other information obtained from Dannon, or which were otherwise used in connection with his employment at Dannon. Defendant's review shall include any personal email accounts he has so utilized. Defendant's review of his personal email account shall be conducted exclusively in conjunction with his counsel, and shall not be subject to paragraph 6. In the event that Defendant is in possession of any such documents, he shall return them to Dannon's counsel on or before March 9, 2018. In the event Defendant is in possession of any such electronic media, he shall make the same available for inspection pursuant to Paragraph 6 below on or before March 9, 2018. Defendant shall attest under oath that he has complied fully with the terms of this Paragraph and shall provide such attestation to Plaintiff on or before March 9, 2018.

6. Dannon shall be entitled to have its external counsel and a computer forensics vendor image and review any electronic media provided by Defendant solely for the purpose of

ascertaining whether such electronic media contains Dannon's trade secrets and confidential information. Dannon's external counsel and/or forensics vendor shall contemporaneously provide to Defendant's external counsel identical copies of any and all materials imaged and reviewed. Any and all review of electronic media provided pursuant to this paragraph initially shall be conducted on an "attorney's eyes only" basis by external counsel to both parties. In no event shall anyone other than an independent vendor and external counsel for Plaintiff and Defendant have access to any such materials, until and unless there is an agreement between the parties or an order of the Court.

7. Notwithstanding anything to the contrary in this stipulation, in no event shall Defendant be obligated to provide, nor shall Dannon be entitled to receive or possess, any documents or electronic media that contain or potentially contain information pertaining to Chobani or Defendant's employment with Chobani, unless and until there is an agreement between the parties or an order of the Court.

8. Counsel shall meet and confer regarding the necessity of and arrangements for depositions of Defendant as well as employees of Plaintiff, and any other discovery (such as the production of additional documents from either party) that might be relevant to the Motion. Any disputes regarding this may be raised with the Court.

9. The parties shall discuss and propose a schedule for the briefing of the Motion to follow the disclosure provided in paragraphs 5-8 above. The Court shall approve such schedule or set one at its discretion.

10. The parties reserve all rights, remedies and defenses available. The parties expressly reserve the right to request an evidentiary hearing in connection with the Motion and/or to seek consolidation with trial on the merits under Fed. R. Civ. P. 65(a)(2).

Dated: New York, New York
February 27, 2018

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Attorneys for Plaintiff

The Dannon Company, LLC

By: 

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Dated: New York, New York
February 27, 2018

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Federico Muyshondt

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~~SO ORDERED~~

~~_____
HON. KENNETH M. KARAS~~

~~UNITED STATES DISTRICT JUDGE~~

Dated: New York, New York
February 27, 2018

TARTER KRINSKY & DROGIN LLP
Attorneys for Plaintiff
The Dannon Company, LLC

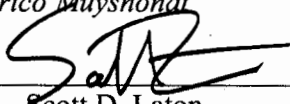
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Dated: New York, New York
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SO ORDERED



HON. KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2018